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# ***Public Utilities Commission of the State of California***

## ***Results of Public Agenda 3170***

***Meeting Held on Thursday, April 13, 2006 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Geoffrey F. Brown**

**Rachelle B. Chong**

**Dian M. Grueneich**

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings**

**505 Van Ness Avenue, San Francisco**

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| <i>Ratesetting Deliberative Meeting*</i><br><i>Room 5305</i><br><i>(1:30 p.m.)</i><br><b><i>Closed to the Public</i></b> | <i>Commission Meeting</i><br><i>Auditorium</i><br><i>(10 a.m.)</i><br><b><i>Open to the Public</i></b> |
| Monday, May 08, 2006 (San Francisco)   | Thursday, April 27, 2006 (San Francisco)   |
| Monday, May 22, 2006 (San Francisco)   | Thursday, May 11, 2006 (San Francisco)   |
| Monday, June 12, 2006 (San Francisco)  | Thursday, May 25, 2006 (San Francisco)   |
| Monday, June 26, 2006 (San Francisco)  | Thursday, June 15, 2006 (San Francisco)  |
|  | Thursday, June 29, 2006 (San Francisco)  |

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor  
(415) 703-2074 E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)



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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
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Public Comment:

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

## Orders and Resolutions

**1**

**Res TL- 19074**

[5296]

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

**Outcome Approved**

[Res TL-19074](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**2**

**Res ALJ 176- 3170**

[5298]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

**Outcome Approved**

[Res ALJ 176-3170](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**3**

[5267]

**C88-03-016 - The City of St. Helena, Town of Yountville, County of Napa, Napa Valley Vintners Association vs. Napa Valley Wine Train, Inc.**

Following decisions by the Court of Appeal and the California Supreme Court, this decision denies Petition for Modification filed by Wine Train and closes this proceeding. The denial leaves standing Decision 01-06-034, in which the Commission determined that Wine Train's excursion service is not a public utility service.

(Comr Grueneich - ALJ Vieth)

Agenda 3167, Item 11 2/16/2006 (Brown);

Agenda 3168, Item 1 3/2/2006 (Bohn);

Agenda 3169, Item 3 3/15/2006 (Bohn)

**Outcome Held (4/27/06, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**4**

[5360]

**A05-10-010 - Southern California Gas Company (SoCalGas).**

All natural gas consumed in California is subject to a surcharge to pay for public purpose programs. Guardian Industries Corp. (Guardian) employs 300 persons in California and threatens to move its operations out of state unless it gets a gas rate equivalent to its out-of-state offer. SoCalGas signed a 15-year agreement with Guardian which lowered the gas surcharge in order to keep Guardian from leaving the state. The Division of Ratepayer Advocates and The Utility Reform Network opposed on the ground §890 prohibits discounting the surcharge. Held - Agreement approved. The need to retain Guardian in California was compelling. The Commission has the authority to discount the surcharge when it finds the public will benefit, in this case by preventing the loss of jobs and increasing gas revenues which otherwise would be lost. This proceeding is closed.

(Comr Brown - ALJ Barnett)

**Outcome Signed**

[D06-04-002](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**5**

[5376]

**R00-02-004 - Order Instituting Rulemaking on the Commission's own motion to establish consumer rights and consumer protection rules applicable to all telecommunications utilities.**

This decision grants \$58,373.00 in intervenor compensation to The Utility Reform Network (TURN) for its further contributions to D04-05-057, approximately \$78,085 less than TURN requested. Only amounts directly attributable to preparing and filing TURN's motion to intervene in federal litigation seeking to overturn D04-05-057, and amounts for preparing its compensation claim, have been allowed.

(Comr Peevey - ALJ McVicar)

**Outcome Held (4/27/06, Consent Agenda. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**6**

[5384]

**Res E-3979 - San Diego Gas & Electric Company (SDG&E).**

SDG&E requests approval of the Pacific Wind renewable resource procurement contract. This contract is approved without modifications. (Advice Letter 1734-E, filed October 2, 2005)  
Agenda 3169, Item 15 3/15/2006 (Staff)

**Outcome Held (4/27/06, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**7**

[5390]

**Res W-4589 - Graeagle Water Company, Inc. (Graeagle).**

This resolution authorizes Graeagle a general rate increase producing additional annual revenue of \$74,810 or 20.4% in 2005 and a consumer price index increase producing additional revenue of \$15,000 or 3.4% in 2006. (Advice Letter 43, filed June 17, 2005)

**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**8**

[5402]

**A05-10-025 - William W. Guenther and Angelita Guenther dba Bear Trap Water Company.**

This decision authorizes William W. Guenther and Angelita Guenther dba Bear Trap Water Company to sell and Sugarloaf Village Mutual Water Company to buy the water system in Tulare County. This proceeding is closed.

(Exam Coughlan)

**Outcome Signed**[D06-04-003](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**9**

[5406]

**A05-12-022 - Pacific Bell Telephone Company (SBC California).**

This decision confirms that SBC California may sell its former operator services building located at 470 West Portal Avenue, San Francisco (the building together with the real property on which it stands are hereinafter referred to as the Facility), to the San Francisco Waldorf School pursuant to Pub. Util. Code §851. The decision further approves the allocation of 50% of the gain on sale of the land to ratepayers and 50% to shareholders and 100% of the gain on the sale of the remainder of the Facility to the shareholders of SBC California. This proceeding is closed.

(Comr Bohn - ALJ Bemederfer)

**Outcome Signed**[D06-04-004](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**10**

[5408]

**Res E-3976 - Golden State Water Company (GSW).**

GSW submits an Advice Letter containing its first annual filing requesting recovery of costs recorded in the bark beetle Catastrophic Event Memorandum Account, applicable to its Bear Valley Electric Service District (BVES), for the period April 3, 2003 through June 30, 2005. GSW/BVES' request is approved with modifications. (Advice Letter 210-E, filed December 22, 2005)

**Outcome Approved**[Res E-3976](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**11**

[5410]

**A05-06-004 - Pacific Gas and Electric Company (PG&E).**

For approval of the 2006-2008 Energy Efficiency Programs and Budget. A05-06-011, A05-06-015, A05-06-016 - Related matters. This decision awards the Natural Resources Defense Council \$64,918.78 in compensation for its substantial contribution to D05-09-043.

(Comr Peevey - ALJ Gottstein)

**Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)**

[D06-04-005](#)

Yes: (Bohn, Brown, Chong, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**12**

[5411]

**A02-03-032 - California Water Service Company (CalWater).**

For an order establishing a moratorium on new service connections in excess of 250 service connections in the Coast Springs Water System Division of the Redwood Valley District. CalWater's petition for modification of D03-03-037 is granted as set forth. The expiration date for the Coast Springs water system new connection moratorium established in D03-03-037 is extended to August 31, 2006. The one-year lead time discussed in D03-03-037 for filing an application to extend the expiration date was not an order and therefore need not be extended. Instead, this decision establishes the August 31, 2006 moratorium expiration date as that filing deadline and authorizes a further moratorium extension when the application is filed, effectively granting CalWater the relief it seeks. This application is closed.

(Comr Peevey - ALJ McVicar)

**Outcome Signed**

[D06-04-006](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**13**

[5413]

**C05-04-007 - Havasu Lakeshore Investments, LLC. vs. Havasu Water Company.**

This decision dismisses the complaint filed by Havasu Lakeshore Investments, LLC. (HLI) against Havasu Water Company (HWC) with prejudice. HLI asked for dismissal without prejudice, but because it claims the dispute is moot, the Commission finds it appropriate to put a stamp of finality on this controversy by dismissing the complaint with prejudice. HWC does not oppose dismissal. HLI, the developer of a 320-unit vacation mobile home community called Vista Del Lago near Lake Havasu in San Bernardino County, filed the complaint seeking water service from HWC, a Class D water company with approximately 210 customers. HLI has since found an alternative water source, and no longer seeks Commission intervention in its dispute with HWC. This proceeding is closed.

(Comr Grueneich - ALJ Thomas)

**Outcome Signed**[D06-04-007](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**14**

[5415]

**A05-12-039 - Southwest Gas Corporation (Southwest).**

This decision authorizes Southwest to establish a memorandum account to provide for the recovery of revenue shortfalls resulting from a delay in the implementation of the 2006 attrition increase authorized in D04-03-034. This proceeding is closed.

(Comr Bohn - ALJ DeBerry)

**Outcome Signed**[D06-04-008](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**15**  
[5416]

**C03-09-001 - Casmalia Community Services District vs. Unocal Corporation, also known as Casmite Water System.**

A03-12-024 - Related matters. In D05-11-030, effective November 18, 2005, the Commission imposed a penalty of \$1.8 million against The Union Oil Company of California (Unocal), calculated at \$500 per day for the ten-year period the company aided and abetted The Casmite Corporation (Casmite) in the operation of a water utility without a certificate of public convenience and necessity. The imposition of the monetary sanction against Unocal for violation of Pub. Util. Code § 2111, was suspended on the condition that Unocal submit to the Executive Director, within 60 days of the effective date of D05-11-030, an unconditional release of any and all claims against Casmite for loans or advances made before the effective date of the decision. On January 10, 2006, Unocal's attorney of record transmitted to the Executive Director the certificate of Unocal's assistant secretary indicating that Unocal's board of directors had adopted a resolution effectuating an unconditional release of all claims for loans or advances made to Casmite. Unocal has satisfied the conditions imposed by the Commission for avoiding the imposition of the monetary sanction. C03-09-001 and A03-12-024 are closed.

(Comr Brown - ALJ Thorson)

**Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)**

[D06-04-009](#)

Yes: (Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**16**  
[5417]

**C05-11-016 - Pacific Bell Telephone Company (Pacific) vs. MAP Mobile Communications, Inc. (MAP).**

This decision grants defendant MAP's motion to dismiss this complaint without prejudice on the grounds that the Federal Communications Commission (FCC) is considering many, if not all, of the issues in a case filed about four months before the instant complaint. If the issues between Pacific and MAP are not resolved in the FCC action, Pacific may petition this Commission to reopen this case to resolve those issues. C05-11-016 is closed.

(Comr Brown - ALJ Econome)

**Outcome Signed**

[D06-04-010](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)



**17**

[5423]

**A04-07-020 - Southern California Water Company.**

Application regarding Low Income Assistance Programs for its Bear Valley Electric Service customers for program year 2005. In the underlying application, Bear Valley Electric Service (Bear Valley) proposed a budget of \$82,825 for its 2005 Low-Income Energy Efficiency program. However, by the time a decision was issued in July 2005 authorizing its funds as requested, Bear Valley had apparently already spent more than that amount. Bear Valley continued to spend sums in excess of its authorized amount and filed its Petition for Modification on December 30, 2005, seeking an increase in its 2005 budget from \$82,825 to \$177,160. This decision denies this part of Bear Valley's request because to do otherwise would constitute retroactive ratemaking. However, the decision modifies D05-07-014 to authorize Bear Valley to spend up to \$177,160 for Low-Income Energy Efficiency program activities in 2006. This proceeding is closed.

(Comr Grueneich - ALJ Weissman)

**Outcome Signed**[D06-04-011](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**18**

[5430]

**A04-06-024 - Pacific Gas and Electric Company (Applicant).**

Application to revise its electric marginal costs, revenue allocation, and rate design. This decision awards The Utility Reform Network (TURN) \$121,609.95 in intervenor compensation for its substantial contributions to D05-11-005. The award is a reduction of \$313 from TURN's request based on an adjustment in the hourly rate for one expert, in conformance with the principles and guidelines adopted in D05-11-031. D05-11-005 adopted a settlement on marginal cost, revenue allocation, and limited rate design matters, plus a supplemental settlement on residential rate design items, in this phase of Applicant's 2003 general rate case. This proceeding is closed.

(Comr Peevey - ALJ Mattson)

**Outcome Signed**[D06-04-012](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

- 
- 19**  
[5431]      **I05-04-019 - In the matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Mr. Move Moving & Storage, Inc., dba Load Rock N Roll Moving and Storage, Right Now Moving and Storage, Same Day Moving, Short Notice Moving and Storage, A All-American Relocation, Load Lock N Roll, Long Beach Security Storage, Mister Move, and its president, Eli Galam.**  
This decision extends the 12-month statutory deadline, pursuant to Public Utilities Code Section 1701.2(d), to October 23, 2006.  
(Comr Peevey - ALJ Bushey)  
**Outcome Signed**  
[D06-04-013](#)  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 20**  
[5433]      **A05-02-018 - Southern California Edison Company (SCE).**  
This decision grants in part, and denies in part, the authority requested by SCE in its Petition to Modify D05-08-008, to extend the maturities of all types of Debt Securities. This proceeding is closed.  
(Exam Coughlan)  
**Outcome Signed**  
[D06-04-014](#)  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 21**  
[5435]      **R05-07-015 - Order Instituting Rulemaking for purposes of amending the Rules of Practice and Procedure to reflect internet access to the agenda and agenda item documents.**  
R05-07-015 proposed elimination of subscription service to the agenda and agenda item materials as provided in Rules 79 and 80, and to the Daily Calendar. R05-07-015 and D05-11-015, which adopted the proposals, inadvertently omitted to propose to amend Rule 3.4, which provides for subscription service to the Daily Calendar. This decision reopens R05-07-015 to make that amendment to Rule 3.4.  
(Comr Bohn - ALJ Yacknin)  
**Outcome Signed**  
[D06-04-015](#)  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
-

**22**

[5436]

**Res L-329**

This resolution authorizes the disclosure of records concerning an investigation of the Consumer Protection and Safety Division (Rail Transit and Crossings Safety Branch) regarding a May 31, 2003 collision between a train and a vehicle at a private railroad crossing in the City of Crocket, Contra Costa County.

**Outcome Approved**[Res L-329](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**23**

[5437]

**A05-03-015 - San Diego Gas & Electric Company.**

For adoption of an advanced metering infrastructure deployment scenario and associated cost recovery and rate design. This decision awards Utility Consumers' Action Network \$31,192.55 in compensation for its substantial contributions to D05-08-018, a decrease of \$7,066.02 from the amount requested.

(Comr Grueneich - ALJ Cooke)

**Outcome Signed**[D06-04-016](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**24**

[5438]

**Res T-17002**

This resolution adopts comprehensive procedures and guidelines for eligible telecommunications carrier designation and requirements for eligible telecommunications carriers effective July 1, 2006 in response to Federal Communications Commission Report and Order 05-46.

**Outcome Held (4/27/06, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**25**

[5439]

**Res T-17004 - Hornitos Telephone Company, Inc. (Hornitos Telephone).**

This resolution approves a CMRS Interconnection Agreement between Hornitos Telephone and T-Mobile USA, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 253, filed January 25, 2006)

**Outcome Approved**[Res T-17004](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**26**

[5440]

**Res T-17005 - Global Valley Networks, Inc. (Global Valley).**

This resolution approves a CMRS Interconnection Agreement between Global Valley and Verizon Wireless, LLC, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 370, filed January 19, 2006)

**Outcome Approved**[Res T-17005](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**27**

[5443]

**A06-01-011 - EarthLink, Inc. and New Edge Holding Company.**

This decision authorizes the transfer of control of New Edge Holding Company and its subsidiary New Edge Networks, Inc., a competitive Local Exchange Carrier, to EarthLink, Inc. The application is unopposed. This proceeding is closed.

(Comr Chong - ALJ Patrick)

**Outcome Signed**[D06-04-017](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**28**

[5444]

**Res T-16997 - SBC California (SBC).**

This resolution authorizes SBC to grandfather Pacific Bell Saver Packs (including Power Pack, The Works, and Business Preferred), Two-Line Solution Discount (Business Solutions) - Business, and 1-Line Solution Discount (Business Solutions) - Business. (Advice Letter 27908, filed January 17, 2006)

**Outcome Approved**[Res T-16997](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**29**

[5445]

**Res W-4591 - Yosemite Spring Park Utility Company (Yosemite).**

This resolution authorizes Yosemite the implementation of a payment plan for the collection of facilities fees as directed by Resolution W-4570.

**Outcome Approved**[Res W-4591](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**30**

[5446]

**A02-09-043 - Pacific Gas and Electric Company.**

For a certificate of public convenience and necessity authorizing the construction of the Jefferson-Martin 230 kV transmission project. This decision awards 280 Corridor Concerned Citizens (280 Citizens), CALifornians for Renewable Energy (CARE), and Women's Energy Matters (WEM) intervenor compensation for their contributions to Decision 04-08-046, in the following amounts: \$718,501.61 to 280 Citizens, \$126,713.40 to CARE, and \$35,125.70 to WEM. This proceeding is closed.

(Comr Grueneich - ALJ TerKeurst)

**Outcome Signed**[D06-04-018](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**31**

[5458]

**(ECP) C05-07-017 - Alejandro Lopez vs. Verizon Wireless.**

Complainant alleges he was overbilled \$858.64 for wireless data access and seeks a refund. Relief granted for \$425. This proceeding is closed.

(Comr Brown - ALJ Barnett)

**Outcome Signed**

[D06-04-019](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**32**

[5459]

**Res T-17012**

This resolution authorizes additional grant for Iowa Hill in Placer County from Rural Telecommunications Infrastructure Grant Program from California High Cost Fund-A funding.

**Outcome Approved**

[Res T-17012](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**33**

[5460]

**A05-06-014 - San Diego Gas & Electric Company (SDG&E).**

This decision finds that SDG&E's administration of power purchase agreements and procurement of least-cost dispatch power activities beginning October 1, 2003 and ending December 31, 2004 (Record Period) were reasonable and prudent. The decision also finds that SDG&E's \$11.2 million overcollected Energy Resource Recovery Account (ERRA) balance at December 31, 2004, which is below its 2004 threshold amount of \$30 million that triggers the filing of a rate change application, and its procurement-related revenue and expenses recorded in its ERRA during the Record Period were reasonable and prudent. This proceeding is closed.

(Comr Peevey - ALJ Galvin)

**Outcome Signed**

[D06-04-020](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**34**

[5462]

**Res T-17016 - Comcast Phone of California, LLC. (Comcast Phone).**

Comcast Phone requests approval of a CMRS Interconnection Agreement between Comcast Phone and Cellco Partnership dba Verizon Wireless, pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter 117, filed February 14, 2006)

**Outcome Approved**[Res T-17016](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**35**

[5463]

**R04-12-001 - Order Instituting Rulemaking into implementation of Federal Communications Commission Report and Order 04-86, as it affects the Universal Lifeline Telephone Service Program.**

This decision awards intervenor compensation to The Utility Reform Network, the Latino Issues Forum, Disability Rights Advocates and National Consumer Law Center for substantial contributions to D05-12-013 and/or D05-04-026. This proceeding is closed.

(Comr Grueneich - ALJ Jones)

**Outcome Signed**[D06-04-021](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**36**

[5464]

**R04-04-026 - Order Instituting Rulemaking to implement the California Renewables Portfolio Standard Program.**

This decision awards the Green Power Institute \$23,531.00, and the Union of Concerned Scientists \$4,531.88, in compensation for their substantial contributions to D05-05-011. These awards represent a decrease, respectively, of \$1,050.00 and \$494.10, from the amounts requested. In both instances, the decreases occur because the Commission employs the policy, established in D05-11-031, that awards for 2005 generally should be calculated at the same hourly rate authorized for 2004.

(Comr Peevey - ALJ Mattson)

**Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)**[D06-04-022](#)

Yes: (Bohn, Brown, Chong, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**37**

[5465]

**A00-05-002 - Southern California Gas Company.**

A00-05-003, A00-05-004, A00-05-005, A01-05-003, A01-05-009, A01-05-017, A01-05-018, A02-05-002, A02-05-003, A02-05-005, A02-05-007, A03-05-002, A03-05-003, A03-05-004, A03-05-009, A04-05-005, A04-05-008, A04-05-010, A04-05-012 - Related matters. This decision finds that Women's Energy Matters (WEM) did not make a substantial contribution to the Commission's determinations in this proceeding, and denies WEM's request for intervenor compensation. Applications A00-05-002, A00-05-003, A00-05-004, A00-05-005, A01-05-003, A01-05-009, A01-05-017, A01-05-018, A02-05-002, A02-05-003, A02-05-005, A02-05-007, A03-05-002, A03-05-003, A03-05-004, A03-05-009, A04-05-005, A04-05-008, A04-05-010, and A04-05-012 are closed.

(Comr Peevey - ALJ Gottstein)

**Outcome Signed**[D06-04-023](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**38**

[5466]

**A04-11-004 - Union Pacific Railroad Company, Keene Water System.**

For authorization to increase rates and for interim rate relief. Pub. Util. Code §1701.5(a) provides that ratesetting cases shall be resolved within 18 months of the date the scoping memo is issued unless the Commission makes findings why that deadline cannot be met and issues an order extending that deadline. In this proceeding, the 18-month deadline for resolving this matter is July 13, 2006. Based on the record in this proceeding, the Commission determines that the applicant's and ratepayers' interests will be served by extending this proceeding to allow the parties, with the Commission's assistance, to explore other solutions to the issues raised in this proceeding. As a result, a 60-day extension order is required under Pub. Util. Code §1701.5(a).

(Comr Peevey - ALJ Thorson)

**Outcome Signed**[D06-04-024](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)



**39**

[5473]

**Res T-17017 - SureWest Telephone (SureWest).**

SureWest requests approval of an Interconnection Agreement between SureWest and Comcast Phone of California, LLC, pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter 1211, filed February 9, 2006)

**Outcome Approved**[Res T-17017](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**40**

[5474]

**Res T-17019 - SBC California (SBC).**

SBC requests approval of one CMRS Interconnection Agreement between SBC and Connect Paging, Inc. dba Get A Phone, pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter 27918, filed January 20, 2006)

**Outcome Approved**[Res T-17019](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**41**

[5475]

**Res T-17014 - Happy Valley Telephone Company (Happy Valley).**

Happy Valley requests approval of a CMRS Interconnection Agreement between Happy Valley and T-Mobile USA, Inc., pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter 283, filed January 25, 2006)

**Outcome Approved**[Res T-17014](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**42**

[5476]

**Res T-17013 - Winterhaven Telephone Company (Winterhaven).**

Winterhaven requests approval of a CMRS Interconnection Agreement between Winterhaven and T-Mobile USA, Inc., pursuant to Section 252 of the Telecommunications Act of 1996. (Advice Letter 179, filed January 25, 2006)

**Outcome Approved**[Res T-17013](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**43**

[5477]

**A05-12-032 - City of San Jose.**

This decision grants the request of the City of San Jose to construct a grade-separated pedestrian/bike crossing for the Guadalupe River Trail under the tracks of the Union Pacific Railroad's Niles Subdivision, in Santa Clara County. This proceeding is closed.

(Exam Clark)

**Outcome Signed**[D06-04-025](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**44**

[5478]

**A99-03-025 - Roseville Telephone Company.**

Application to review its new regulatory framework. This decision awards The Utility Reform Network \$22,578.48 for its substantial contribution to D04-11-032. This proceeding is closed.

(Comr Peevey - ALJ Reed)

**Outcome Signed**[D06-04-026](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**45**

[5482]

**R03-08-019 - Order Instituting Rulemaking on the Commission's own motion to amend General Order 77-K.**

This decision awards The Greenlining Institute \$31,425.00 in compensation for its substantial contributions to D05-09-021. Today's award will be paid from the Commission's intervenor compensation program fund. This proceeding is closed.

(Comr Peevey - ALJ Koss)

**Outcome Signed**[D06-04-027](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**46**

[5488]

**A05-06-004 - Pacific Gas and Electric Company.**

For approval of the 2006-2008 Energy Efficiency Programs and Budget. A05-06-011, A05-06-015, A05-06-016 - Related matters. This decision awards the Center for Small Business and the Environment \$37,210.71 in compensation for its substantial contribution to D05-09-043. This award is approximately one-third of the amount requested, based on the disallowances described herein.

(Comr Peevey - ALJ Gottstein)

**Outcome Signed**[D06-04-028](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**47**

[5489]

**A04-07-044 - Pacific Gas and Electric Company.**

Application to revise its gas rates and tariffs to be effective July 1, 2005. This decision awards The Utility Reform Network \$83,260.46 in compensation for its substantial contributions to D05-06-029, which resolved a variety of natural gas rate issues for Pacific Gas and Electric Company pursuant to two settlements presented by the parties and adopted by the Commission. This proceeding is closed.

(Comr Brown - ALJ Malcolm)

**Outcome Signed**[D06-04-029](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**48**

[5492]

**Res T-17007 - Helplink, United Way Community Information Center.**

This resolution grants the application of Helplink, United Way Community Center to use the 2-1-1 dialing code of health and human services information and referral service in Marin County.

**Outcome Approved**[Res T-17007](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**49**

[5495]

**Res W-4592 - Ponderosa Sky Ranch Water System (PSRWS).**

This resolution authorizes PSRWS a general increase in rates producing \$45,719 or 157.73% additional annual revenue.

**Outcome Approved**[Res W-4592](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**50**

[5518]

**Res W-4593 - Penngrove Water Company (Penngrove).**

This resolution authorizes Penngrove a general rate increase producing additional annual revenue of \$36,812 or 6.42% in 2006.

**Outcome Approved**[Res W-4593](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**51**

[5520]

**Res ST-79**

This resolution approves the Consumer Protection and Safety Division final audit report titled, "Triennial On-Site Safety Audit of the Sacramento Regional Transit District", dated March 27, 2006.

**Outcome Approved**[Res ST-79](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**52**

[5523]

**A05-05-021 - NewPath Networks, LLC.**

This decision modifies NewPath Networks, LLC's Certificate of Public Convenience and Necessity so that it may provide full competitive local exchange, access and non-dominant interexchange services for the entire state of California. Application 05-05-021 is closed.

(Comr Bohn - ALJ Galvin)

**Outcome Signed**[D06-04-030](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**53**

[5530]

**A04-01-018 - California Water Service Company (CWS).**

This decision authorizes CWS to enter into a loan contract with the Department of Health Services and the Department of Water Resources for the purposes of borrowing \$494,276 from the Safe Drinking Water State Revolving Fund. The proceeds of this loan will be used exclusively to finance the construction of a water treatment plant in the CWS Coast Springs service area. CWS is also authorized to impose temporary surcharges to water rates for ratepayers in the Coast Springs Service Area to repay the principal and interest on the borrowed funds. This proceeding is closed.

(Comr Peevey - ALJ Koss)

**Outcome Signed**[D06-04-031](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

## Regular Agenda

### Energy Orders

54

[5286]

**A04-12-014 - Southern California Edison Company (SCE).**

I05-05-024 - Related matters. This decision addresses the general rate increase request of the Southern California Edison Company (SCE). For test year 2006, SCE is authorized a revenue requirement of \$3,704,039,000, which reflects an increase of \$287,862,000 or 8.43% over the previously authorized level of \$3,416,177,000. The adopted methodology for calculating post-test year revenue requirements results in additional revenue requirement increases of \$137,982,000 (3.73%) for post-test year 2007 and \$190,141,000 (4.95%) for post-test year 2008. On a general rate case (GRC) revenue basis, when reflecting the effect of increased sales for the test year and post-test years, the revenue increases amount to \$228,202,000 (6.57%) for 2006, \$68,173,000 (1.81%) for 2007 and \$101,623,000 (2.59%) for 2008. On a total system revenue basis, the revenue increases amount to 2.29% for 2006, 0.67% for 2007 and 0.98% for 2008. These proceedings are closed.

(Comr Brown - ALJ Fukutome)

Agenda 3167, Item 51 2/16/2006 (Staff);

Agenda 3169, Item 18 3/15/2006 (Staff)

**Outcome Held (4/27/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

55

[5349]

**R05-09-006 - Order Instituting Rulemaking concerning broadband over power line deployment by electric utilities in California.**

This decision adopts a regulatory framework that fosters competition in the broadband market by providing regulatory certainty to California companies seeking to provide broadband over power lines (BPL). The benefits of BPL include a new “wired” broadband pipe to the home, promoting universal access to broadband services, and providing California electricity consumers with increased reliability and lower costs through new “smart grid” technologies. This decision is: (1) allowing third-parties or electric utility affiliates to provide BPL services; (2) protecting ratepayers and aligning financial risks and rewards; (3) adopting a mechanism for sharing any additional revenues received from BPL providers; (4) providing non-discriminatory access to utility poles and rights of way; (5) maintaining the safety and reliability of the electric distribution system; and (6) adopting a policy of exempting BPL-related transactions, with conditions, from the requirements of Pub. Util. Code § 851 pursuant to the Commission's authority under Pub. Util. Code § 853(b).

(Comr Chong - ALJ Allen)

Agenda 3169, Item 19 3/15/2006 (Pub. Util. Code §311(e))

**Outcome Held (4/27/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**55a**

[5457]

**ALTERNATE TO ITEM 5349**

The alternate draft decision varies from the draft decision in four key areas. The alternate Decision finds the energy affiliate rules are more appropriate for energy companies providing broadband over powerline (BPL) service in some capacity on their networks. In order to ensure acquisition of BPL rights on a network is not used to limit broadband paths to the home the alternate decision sets a five year "use it or lose it" period. The alternate decision adopts the "other operating revenue" (OOR) sharing mechanism as detailed in Decision 99-09-070, but it finds that, under the landlord/tenant arrangement, the investment is "passive" rather than "active" and applies the 70/30 rather than 90/10 shareholder/ratepayer sharing arrangement. Finally, the alternate decision waives the application of Pub. Util. Code Section 851 for purposes of the lease of BPL rights, but in order to prevent the effect of a sale of permanent PBL rights, it caps lease length at twenty years. The alternate decision also finds that no BPL lease shall extend beyond the year 2031 without a Section 851 proceeding or an application to continue to waive Section 851.

(Comr Brown)

**Outcome Held (4/27/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**56**

[5412]

**A99-05-029 - Southern California Gas Company (SoCalGas).**

This decision grants SoCalGas authority under Pub. Util. Code §851 to value and sell 36 lots at Playa del Rey and Marina del Rey and certifies the Final Environmental Impact Report as the Environmental Impact Report for the proposed sale. This proceeding is closed.

(Comr Bohn - ALJ Brown)

**Outcome Signed**[D06-04-032](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

57

[5442]

**A04-12-004 - San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas).**

This decision addresses the system integration proposal of SDG&E and SoCalGas, which seeks to combine the transmission-related costs of both utilities. The combined costs are allocated to the customers of SDG&E and SoCalGas to develop integrated transmission rates, which allows customers of either utility to transport gas from any existing or new receipt point at a single integrated transmission rate. The system integration proposal is adopted.

(Comr Brown - ALJ Wong)

**Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)**

[D06-04-033](#)

Yes: (Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

58

[5471]

**A05-11-022 - PacifiCorp.**

I06-03-002 - Related matters. This decision adopts a four-year transition plan to bring Klamath Irrigation Project (Project) customers that no longer qualify for fixed rates under a 1956 Contract between PacifiCorp and the United States Department of Interior up to full PA-20 Irrigation tariff rates. This approval authorizes PacifiCorp to establish a Klamath Transition Memorandum Account and to seek recovery of the shortfall tracked in that memorandum account in subsequent hearings to be held in this proceeding. This approval also authorizes the Klamath Water Users Association to seek a separate rate classification for Project customers and to challenge the proposed level of generally applicable tariff rate for irrigation customers in subsequent hearings to be held in this proceeding. These proceedings remain open.

(Comr Brown - ALJ Galvin)

**Outcome Signed**

[D06-04-034](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)



**59**

[5490]

**R\_\_\_\_\_ - Order Instituting Rulemaking to examine the Commission's post-2005 energy efficiency policies, programs, evaluation, measurement and verification, and related issues.**

This Order Instituting Rulemaking will address the Commission's policies, programs and evaluation, measurement and verification (EM&V) activities related to post-2005 energy efficiency activities administered by Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company. The focus of the Commission's efforts in this rulemaking will be to further refine the policies, programs and EM&V related to the "next generation" of energy efficiency activities in 2006 and beyond. In particular, consistent with its direction in D05-09-032, the Commission will evaluate a shareholder risk/reward incentive mechanism for energy efficiency as the next priority. This rulemaking will also be the forum for considering further refinements to the EM&V protocols and, as warranted, in this rulemaking the Commission will address refinements to the energy efficiency policy rules, including reporting requirements. For the longer term, the Commission plans in this rulemaking to update its energy efficiency savings goals based on further studies of energy efficiency potential. This rulemaking, or its successor proceeding, will also be the forum for initiating the next planning cycle for 2009-2011 energy efficiency program plans, funding levels, and related issues. In issuing this OIR, the Commission closes Rulemaking 01-08-028.

**Outcome Signed**[R06-04-010](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**60**

[5491]

**R05-10-030 - Order Instituting Rulemaking concerning relationship between California energy utilities and their holding companies and non regulated affiliates.**

This order amends the October 2005 Order Instituting Rulemaking, both as to scope and schedule, and attaches for public review and comment, staff proposals to revise (1) the Commission's Affiliate Transaction Rules and (2) its General Order 77-L, which governs the reporting of compensation paid to executive officers and employees of regulated utilities. The proposed rule revisions apply only to the previously designated Respondents, California's major energy utilities and their holding companies: Southern California Edison Company/Edison International, Pacific Gas and Electric Company/PG&E Corporation, and Southern California Gas Company and San Diego Gas & Electric Company, both owned by Sempra Energy.

(Comr Brown - ALJ Vieth)

**Outcome Held (4/27/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**61 (Rev.)**

[5493]

**R\_\_\_\_\_ - Order Instituting Rulemaking to implement the Commission's Procurement Incentive Framework and to examine the integration of Greenhouse Gas emissions standards into procurement policies.**

The Commission opens this Order Instituting Rulemaking today to implement the Procurement Incentive Framework adopted in Decision 06-02-032, and to consider adoption and implementation of a Greenhouse Gas (GHG) emissions performance standard, per the Commission's October 6, 2005 GHG Policy Statement. The Commission recognizes the need to open a new rulemaking that focuses on these issues in order to effectively coordinate GHG emission reduction policies and associated implementation steps for utility energy procurement. Opening this rulemaking moves the Commission forward in meeting the objectives of the Energy Action Plan and the statewide GHG reduction targets established for California.

04/07/2006 - This revision was not shown on the Agenda mailed to the public.

**Outcome Signed**[R06-04-009](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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**Energy Resolutions and Written Reports****62                    Res E-3968 - San Diego Gas & Electric Company (SDG&E).**

[5306]                This resolution grants a one-time approval of SDG&E's request to allow the City of San Marcos to borrow 19 years into their future Rule 20.A allocation. (Advice Letter 1722-E, filed August 29, 2005) Agenda 3168, Item 25 3/2/2006 (Staff); Agenda 3169, Item 22 3/15/2006 (Staff)

**Outcome    Approved**[Res E-3968](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**63                    Res G-3385 - Southwest Gas Corporation (SWG).**

[5403]                SWG requests approval of 2006 attrition year rate relief and other adjustments applicable to its Northern and Southern California Divisions and its South Lake Tahoe District. SWG's attrition adjustment methodology is denied. Other aspects of SWG's request are approved. (Advice Letter (AL) 747, filed October 31, 2005, AL 747-A, filed November 23, 2005)

**Outcome    Held (4/27/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**64                    Res G-3386 - Southern California Gas Company (SoCalGas).**

[5404]                SoCalGas requests Commission agreement that its revenue requirement approved in D04-12-015 will not increase as a result of SoCalGas' purchase of the Cuyama/Casitas pipeline. SoCalGas' request is approved. (Advice Letter 3537, filed October 11, 2005)

**Outcome    Approved**[Res G-3386](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**65 (Rev.)**

[5434]

**Res E-3974 - San Joaquin Local Agency Formation Commission.**

San Joaquin Local Agency Formation Commission requests a California Public Utilities Commission opinion on the effect of South San Joaquin Irrigation District's proposal to provide retail electrical service within Pacific Gas and Electric Company's service territory.

04/07/2006 - This revision was not shown on the Agenda mailed to the public.

**Outcome Approved**[Res E-3974](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**66**

[5450]

**Res E-3977 - Southern California Edison Company (SCE).**

SCE requests the Commission's authorization to establish a memorandum account to track and record costs that SCE may incur in order to seek modification of the December 1999 Mohave Consent Decree and to obtain any other applicable legal authorizations so that the Mohave Generating Station may continue operating with minimal interruption after December 31, 2005, prior to the installation of the pollution controls specified by the Consent Decree. (Advice Letter 1953-E, filed December 29, 2005)

**Outcome Approved (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)**

[Res E-3977](#)

Yes: (Bohn, Brown, Chong, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**67**

[5451]

**Res E-3981 - Southern California Edison Company (SCE).**

SCE requests confirmation that costs incurred by SCE pursuant to a standstill agreement entered into with Peabody Western Coal Company and the Black Mesa Pipeline Company are fuel-related costs that can be recorded directly into the Energy Resource Recovery Account balancing account. (Advice Letter 1952-E, filed December 29, 2005)

**Outcome Held (5/11/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**68**

[5452]

**Res E-3980**

This resolution formally adopts the 2005 Market Price Referents values for a baseload proxy plant for the use in the 2005 Renewable Portfolio Standard solicitations. This resolution is made on the Commission's own motion.

**Outcome Approved**[Res E-3980](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**69**

[5461]

**Res G-3387 - San Diego Gas & Electric Company (SDG&E).**

SDG&E requests Commission approval of two natural gas storage agreements between itself and Southern California Gas Company, an affiliate under Semptra Energy, entitled Master Services Contract, Schedule I, Transaction Based Storage Service, dated February 3, 2006. SDG&E's request is approved. (Advice Letter 1595-G, filed February 8, 2006)

**Outcome Approved**[Res G-3387](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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**Telecommunication Orders****70**

[5378]

**I05-04-018 - Investigation on the Commission's own motion into the operations and practices of MCI, WorldCom, or MCI WorldCom, to determine whether it has violated the laws, rules and regulations governing the way in which consumers are billed for products or services, by billing its former customers for a monthly service charge without authorization.**

This decision approves a settlement of the Commission's investigation into slamming and cramming activities of MCI, WorldCom, and MCI WorldCom (collectively, MCI). Both parties to the proceeding have agreed to the settlement. The decision finds that the settlement is (1) reasonable in light of the whole record, (2) consistent with the law, and (3) in the public interest, in accordance with Commission Rule 51.1(e). Thus, the decision approves the settlement and dismisses this Order Instituting Investigation (OII) with prejudice. Under the parties' Settlement Agreement, attached hereto as Appendix A, MCI will pay \$2.3 million, in addition to credits it has already paid to affected customers. (MCI estimates its past credits to be in excess of \$1 million.) The \$2.3 million will be allocated in three parts: (1) \$1 million in credits for period October 1, 2005 through May 31, 2007. MCI will pay up to \$1 million of the \$2.3 million settlement figure in refunds or credits to customers affected by the conduct alleged in the OII. This \$1 million will cover payments issued and to be issued for the period October 1, 2005 through May 31, 2007. (2) \$1.3 million payment to state General Fund within 30 days of this decision. MCI will also make a payment of \$1.3 million to the state General Fund within 30 days after the Commission's approval of the Settlement Agreement. (3) Potential further payment to state General Fund. If the payments in (1) above are less than \$ 1 million, as evidenced by an accounting MCI will make no later than September 30, 2007 of how the settlement proceeds were distributed, it will pay the balance to the state General Fund. This proceeding is closed.

(Comr Grueneich - ALJ Thomas)

Agenda 3169, Item 10 3/15/2006 (Brown)

**Outcome Signed**

[D06-04-035](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**71**

[5447]

**R03-08-018 - Order Instituting Rulemaking to review policies concerning intrastate carrier access charges.**

This decision reduces intrastate access charges by eliminating two non-cost based charges - the network interconnection charge and transport interconnection charge. Local exchange carriers are authorized to impose a surcharge on local service customers to recover lost revenue from independent long distance carriers. Transfers from affiliated long distance carriers are not included in lost revenue calculation because they do not make actual payments but only "paper transfers." Phase III of the proceeding will address local exchange carriers other than Verizon and SBC California.

(Comr Peevey - ALJ Bushey)

**Outcome Held (4/27/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**71a**

[5448]

**ALTERNATE TO ITEM 5447**

This alternate reduces intrastate access charges by eliminating two non-cost based charges – the network interconnection charge and transport interconnection charge. Local exchange carriers are authorized to recover these losses via a surcharge. Unlike the Proposed Decision, this Alternate does not discriminate between revenue losses from affiliates and non-affiliates.

(Comr Peevey)

**Outcome Held (4/27/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

72

[5479]

**R03-04-003 - Order Instituting Rulemaking on the Commission's own motion to comply with the mandates of Senate Bill 1563 regarding deployment of advanced telecommunications technologies.**

This decision awards Greenlining Institute (Greenlining), Latino Issues Forum (LIF), and The Utility Reform Network (TURN) compensation for their substantial contributions to D05-05-013. Today's awards will be paid from the Commission's intervenor compensation program fund as follows: Greenlining, \$7,007.23; LIF, \$71,118.60; TURN, \$56,087.67. These awards are, in each case, smaller than those requested. Greenlining's original request of \$10,620.73 is reduced to conform the requests with the Commission's policies on attorney fee levels and appropriate activities to be compensated. LIF's original request of \$163,926.22 is reduced to reflect the Commission's policies on attorney fee levels, appropriate activities for compensation, and reasonable hours spent on related activities. TURN's original request of \$62,443.67 is reduced to conform to the Commission's policies regarding attorneys' hourly fees. This proceeding is closed.

(Comr Peevey - ALJ Malcolm)

**Outcome Signed**

[D06-04-036](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)



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**Water/Sewer Orders****73**

[5293]

**R01-12-009 - Order Instituting Rulemaking on the Commission's own motion to evaluate existing practices and policies for processing offset rate increases and balancing accounts in the water industry to decide whether new processes are needed.**

This decision suspends, until further notice, the earnings test adopted in Decision 03-06-072 which currently applies to balancing account recovery for Class A water companies' balancing accounts existing on or after November 29, 2001. This proceeding is closed.

(Comr Brown - ALJ Econome)

Agenda 3168, Item 6 3/2/2006 (Bohn);

Agenda 3169, Item 5 3/15/2006 (Pub. Util. Code §311(e))

**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**73a**

[5456]

**ALTERNATE TO ITEM 5293**

This Alternate draft decision eliminates the earnings test adopted in Decision 03-06-072 which currently applies to balancing account recovery for Class A water companies' balancing accounts existing on or after November 29, 2001.

(Comr Bohn)

**Outcome Signed as Modified (Change p. 10. Add Ordering paragraph: "4. This proceeding is closed.")**

[D06-04-037](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**74**

[5350]

**A04-07-018 - Southern California Water Company (SCWC).**

In 1994, SCWC sold certain water rights to the City of Folsom without Commission approval. In 2004, the Commission determined that SCWC should have sought approval pursuant to §851 for the sale, and ordered SCWC to file such an application. The Commission also found that the ratepayers paid for the water rights but ordered the retrospective revenues from the sale shared 70% to ratepayers and 30% to shareholders because the water rights were surplus to SCWC's needs and shareholders should be rewarded for the transaction. In this application, SCWC sought § 851 approval of the permanent sale but was unable to show that the water rights would never be needed to serve its customers. Due to the risk that higher-priced resources would be needed in the future, this decision holds that the perpetual sale was not in the public interest, and denies § 851 approval. Similarly, shareholders are not entitled to a reward for this transaction, so the revenues need not be shared. This proceeding is closed.

(Comr Peevey - ALJ Bushey)

Agenda 3169, Item 26 3/15/2006 (Staff)

**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**74a**

[5351]

**ALTERNATE TO ITEM 5350**

This alternate approves Southern California Water Company's (SCWC) Section 851 application for the permanent lease of 5,000 AFY of American River water rights to the City of Folsom. The order further directs SCWC to record revenues from this lease into a memorandum account as prescribed by Sections 789 and 790 of the Public Utilities Code. This proceeding is closed.

(Comr Peevey)

Agenda 3169, Item 26a 3/15/2006 (Staff)

**Outcome Signed (Comr. Brown will file a dissent.)**

[D06-04-038](#)

Yes: (Bohn, Chong, Grueneich, Peevey)

No: (Brown)

Abstain: (none)

Absent: (none)

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**Water/Sewer Resolutions and Reports****75**

[5441]

**Res W-4590 - San Gabriel Valley Water Company, Fontana and Los Angeles Districts.**

This resolution records status of (a) reserve account filing and results of earnings test, and (b) water quality litigation memorandum account. (Advice Letter (AL) 334, filed April 1, 2005 and AL 338, filed July 22, 2005)

**Outcome Held (4/27/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Transportation/Rail Safety Orders****76**

[5364]

**I05-06-042 - In the Matter of Order Instituting Investigation on the Commission's own motion into the operations and practices of Wine & Roses Limousine Service, dba AA Limousine, AAA Limousine, Espresso Limousine, Espresso Transportation, AAA Corporate Limousines, Total Transportation Network, and LaGrande Affaire, and its President, Steve Bonner, to determine whether they have violated the laws, rules, and regulations governing the manner in which charter-party carriers conduct operations.**

Respondents and the Commission's Consumer Protection and Safety Division reached a settlement agreement resolving allegations of violations of laws and regulations applicable to Charter-Party Carriers. This decision modifies the agreement to impose more stringent penalties and to clarify the consequences of further violations. This proceeding is closed.

(Comr Bohn - ALJ Bushey)

**Outcome Signed**

[D06-04-039](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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**Other Utility Orders****77**

[5106]

**R04-09-003 - Order Instituting Rulemaking on the Commission's own motion for the purpose of considering policies and guidelines regarding the allocation of gains from sales of energy, telecommunications, and water utility assets.**

This decision adopts a process for allocating gains on sale received by certain electric, gas, telecommunications and water utilities when they sell utility land, assets such as buildings, or other tangible or intangible assets formerly used to serve utility customers. In most cases, utility ratepayers should receive 100% of the gain from depreciable property such as buildings, and 67% of the gain from non-depreciable property such as land and water rights, based on our finding that ratepayers bear most of the risk associated with owning such property. The utilities' shareholders should receive the remaining gain on sale. This rule of thumb will apply to routine asset sales where the sale price is \$50 million or less and the after-tax gain or loss from the sale is \$10 million or less. Most ordinary asset sales that come before this Commission for approval should meet these criteria. This decision does not apply to routine retirements of minor utility assets that are no longer used and useful, such as utility poles, transformers, and vehicles, which are governed by Commission depreciation rules and schedules. The rule we develop here will not apply where the asset sale price exceeds \$50 million or the after-tax gain or loss exceeds \$10 million. The rule also does not apply to utility sales of assets of extraordinary character; sales of nuclear power plants; where a party alleges the utility engaged in highly risky and non-utility-related ventures; or where a party alleges the utility grossly mismanaged the assets at issue.

(Comr Brown - ALJ Thomas)

Agenda 3164, Item 57 12/15/2005 (Staff);

Agenda 3166, Item 46 1/26/2006 (Staff);

Agenda 3167, Item 60 2/16/2006 (Chong);

Agenda 3168, Item 32 3/2/2006 (Peevey);

Agenda 3169, Item 28 3/15/2006 (Chong)

**Outcome Held (4/27/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**77a**

[5524]

**ALTERNATE TO ITEM 5106**

This decision adopts a process for allocating gains on sale received by certain electric, gas, telecommunications and water utilities when they sell utility land, assets such as buildings, or other tangible or intangible assets formerly used to serve utility customers. In most cases, utility ratepayers and ratepayers should split the gains 50-50 based on our finding that both bear risks associated with owning such property. This rule of thumb will apply to routine asset sales where the after-tax sale price is \$50 million or less, or where the gain or loss from the sale is \$10 million or less. For depreciable assets subject to routine retirement and salvage, ratepayers will receive all of the gain or loss associated with these assets. Most ordinary asset sales that come before this Commission for approval should meet these criteria. The rules we develop here, however, will not apply where the after-tax asset sale price exceeds \$50 million or the gain or loss exceeds \$10 million. The rule also does not apply to utility sales of assets of extraordinary character; sales of nuclear power plants; where a party alleges the utility engaged in highly risky and non-utility-related ventures; or where a party alleges the utility grossly mismanaged the assets at issue.

(Comr Chong)

**Outcome Held (4/27/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**78**

[5432]

**R\_\_\_\_\_ - Order Instituting Rulemaking for the purpose of amending General Order 156.**

The Commission institutes this rulemaking to amend General Order (GO) 156 regarding the process for verifying and determining the eligibility of women, minority, and disabled veteran business enterprises for utility procurement contract opportunities. Under the existing GO, these functions have been administered by the Commission, pursuant to Commission-approved criteria, under a contract with an outside clearinghouse. This rulemaking amends the GO to allow the Commission to authorize a utility-formed entity to operate the clearinghouse. If no utility-formed entity is created or authorized, the amended GO authorizes Commission staff to administer the clearinghouse internally.

**Outcome Signed**[R06-04-011](#)

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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## Administrative Law Judge Division Reports and Resolutions

**79**

[5346]

### **Res ALJ-190**

This resolution modifies rules governing submittal of prepared testimony in arbitrations under Section 252 of Telecommunications Act of 1996, and clarifies rule governing submittal of prepared testimony in other applications, to provide that prepared testimony shall be served but not filed.

### **Outcome Approved**

Res ALJ-190

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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**Legal Division Matters****80**

[5517]

**FCC Docket 96-115, RM-11277**

The FCC has issued a Notice of Proposed Rulemaking requesting comment on what the FCC should do to further protect the privacy of customer proprietary network information. – In the Matter of Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information – FCC 96-115.

**Outcome Approved-Staff Recommendation**

FCC Docket 96-115, RM-11277

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)



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**Legislative Matters - Discussion****81 AB 1853 (Matthews)**

[5394]

Assessment of rail/highway crossings that block emergency vehicles.  
Agenda 3169, Item 33 3/15/2006 (Staff)

**Outcome Held (4/27/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**82 AB 1989 (Garcia)**

[5396]

Disclosure of Global Position System (GPS) in telephone devices.  
Agenda 3169, Item 35 3/15/2006 (Staff)

**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**83 SB 850 (Escutia)**

[5397]

Broadband service strategy report by state Chief into Officer.  
Agenda 3169, Item 36 3/15/2006 (Staff)

**Outcome Held (4/27/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**84 SB 1010 (Florez)**

[5398]

Intermodal facility in Shafter and track capacity reporting requirements.  
Agenda 3169, Item 37 3/15/2006 (Staff)

**Outcome Held (4/27/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 85**  
[5499]      **AB 2021 (Levine)**  
Public utilities: energy efficiency.  
**Outcome**   **Approved (Legislative Subcommittee Recommendation: Support bill with technical amendments.)**  
  
AB 2021  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 86**  
[5500]      **AB 2062 (Richman)**  
Core, noncore and core-elect market structure.  
**Outcome**   **Approved (Legislative Subcommittee Recommendation: Support bill with technical amendments.)**  
  
AB 2062  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 87**  
[5501]      **AB 2220 (Vargas)**  
Household goods carriers.  
**Outcome**   **Approved (Legislative Subcommittee Recommendation: Support bill.)**  
  
AB 2220  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 88**  
[5502]      **AB 2390 (Committee on Utilities & Commerce)**  
PUC: rehearings and judicial review.  
**Outcome**   **Approved (Legislative Subcommittee Recommendation: Support bill (CPUC sponsored).)**  
  
AB 2390  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

- 89**  
[5503]      **AB 2391 (Committee on Utilities & Commerce)**  
Distributed energy resources: reporting requirement.  
**Outcome Approved (Legislative Subcommittee Recommendation: Support bill (CPUC Sponsored).)**  
AB 2391  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 90**  
[5504]      **AB 2515 (Ruskin)**  
Water conservation.  
**Outcome Approved (Legislative Subcommittee Recommendation: Support bill.)**  
AB 2515  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 91**  
[5505]      **AB 2576 (De La Torre)**  
CA Alternative Rates for Energy program.  
**Outcome Approved (Legislative Subcommittee Recommendation: Oppose bill.)**  
AB 2576  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 92**  
[5506]      **AB 2622 (Ruskin)**  
Mobile telephony services.  
**Outcome Approved (Staff Recommendation: Oppose bill. (Legislative Subcommittee recommendation: No recommendation. President Peevey moved the staff recommendation to oppose the bill.))**  
AB 2622  
Yes: (Bohn, Chong, Peevey)  
No: (Brown, Grueneich)  
Abstain: (none)  
Absent: (none)

- 93**  
[5507]      **AB 2822 (Mullin)**  
Railroad corps.: Hazardous substances: fee:.  
**Outcome Approved (Legislative Subcommittee Recommendation: Support bill.)**  
AB 2822  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 94**  
[5508]      **AB 2960 (Ridley-Thomas)**  
Electrical corporation procurement plans.  
**Outcome Approved (Legislative Subcommittee Recommendation: Oppose bill.)**  
AB 2960  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 95**  
[5509]      **AB 2993 (Leno)**  
Net energy metering.  
**Outcome Approved (Legislative Subcommittee Recommendation: Support bill.)**  
AB 2993  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 96**  
[5511]      **AB 3023 (Nunez)**  
Railroads: safety.  
**Outcome Approved (Legislative Subcommittee Recommendation: Support bill with amendments.)**  
AB 3023  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

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- 97**  
[5512] **SB 1368 (Perata)**  
Emissions of greenhouse gases.  
**Outcome Approved (Legislative Subcommittee Recommendation: Support bill, if amended.)**  
SB 1368  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 98**  
[5513] **SB 1539 (Kehoe)**  
San Diego Assn. of Governments Energy Working Group.  
**Outcome Held (4/27/06.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 99**  
[5514] **SB 1669 (Kehoe)**  
Electrical restructuring: resource adequacy: market-sensitive info.  
**Outcome Approved (Legislative Subcommittee Recommendation: Oppose bill.)**  
SB 1669  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 100**  
[5515] **SB 1727 (Kehoe)**  
Electrical corporations.  
**Outcome Approved (Legislative Subcommittee Recommendation: Support bill, if amended.)**  
SB 1727  
Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
No: (none)  
Abstain: (none)  
Absent: (none)

**101**

[5516]

**SB 1833 (Kehoe)**

Energy prices paid to nonutility generators.

**Outcome Approved (Legislative Subcommittee Recommendation: Support bill  
(CPUC sponsored).)**

SB 1833

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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## Commissioner's Reports

**102**

[5399]

### **Commissioner Grueneich Report**

Discussion and action regarding appointment of former Senator Richard Polanco to a public representative position on the Low Income Oversight Board.

Agenda 3169, Item 38 3/15/2006 (Grueneich)

### **Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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## Management Reports and Resolutions

**103**

[5481]

### **Executive Director Larson Report**

Stewardship Council Bi-Annual Update.

### **Outcome Information Only**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)



## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the*

### Applications for Rehearing

- 106**                      **R02-11-039 - Conference with Legal Counsel - Application for Rehearing**  
 [5377]                      Disposition of application for rehearing of D04-12-049 filed by Mirant Delta, LLC and Mirant Potrero, LLC. D04-12-049 adopted operations standards for electric generating facilities pursuant to Public Utilities Code Section 761.3.  
                                  Agenda 3169, Item 41 3/15/2006 (Staff)  
                                  **Outcome Held (4/27/06.)**  
                                  Yes: (none)  
                                  No: (none)  
                                  Abstain: (none)  
                                  Absent: (none)
- 107**                      **R04-04-003 - Conference with Legal Counsel - Application for Rehearing**  
 [5380]                      Disposition of applications for rehearing of D05-10-042 filed by FPL Energy LLC, Calpine Corporation, and the Independent Energy Producers Association. In D05-10-042, the Commission implemented Resource Adequacy Requirements (RAR) for all load serving entities (LSEs) in the service territories of the three largest investor-owned utilities.  
                                  Agenda 3169, Item 42 3/15/2006 (Staff)  
                                  **Outcome Signed**  
                                  D06-04-040  
                                  Yes: (Bohn, Brown, Chong, Grueneich, Peevey)  
                                  No: (none)  
                                  Abstain: (none)  
                                  Absent: (none)

**108**

[5468]

**A05-06-007 - Conference with Legal Counsel - Application for Rehearing**

Disposition of application for rehearing of D05-12-045 filed jointly by Merced Irrigation District and Modesto Irrigation District. In D05-12-045, the Commission adopted the 2006 revenue requirements for Pacific Gas and Electric Company's Energy Resource Recovery Account (ERRA) and ongoing (or tail) Competition Transition Charge (CTC). Among other things, the Decision reaffirmed that tail CTC would be based on the costs specified in Public Utilities Code Section 367(a)(1)-(a)(6).

**Outcome Signed**

D06-04-041

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

**109**

[5469]

**A05-02-027 - Conference with Legal Counsel - Application for Rehearing**

Disposition of Application for Rehearing of D05-11-028 filed by The Utility Reform Network and the Office of Ratepayer Advocates, jointly. In D05-11-028 the Commission granted the Joint Application of SBC Communications, Inc. (SBC) and AT&T Corp. (AT&T) to transfer control of AT&T Communications of California and its related California affiliates from AT&T to SBC subject to certain conditions.

**Outcome Held (4/27/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**110**

[5470]

**A05-04-020 - Conference with Legal Counsel - Application for Rehearing**

Disposition of Applications for Rehearing of D05-11-029 filed by The Utility Reform Network and the Office of Ratepayer Advocates, jointly and by Verizon Communications Inc. (Verizon) and MCI Inc. (MCI), jointly. In D05-11-029 the Commission granted the Joint Application of Verizon and MCI to transfer control of MCI's California utility subsidiaries to Verizon, subject to conditions.

**Outcome Held (4/27/06. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**111**

[5480]

**A04-04-008 - Conference with Legal Counsel - Application for Rehearing**

A04-06-018 - Related matters. Disposition of Application for Rehearing of D05-09-018 filed by Aglet Consumer Alliance. In D05-09-018 the Commission approved the Joint Proposal of Southern California Edison Company and Pacific Gas and Electric Company, with modification, for uniform Economic Development Rate discount tariffs for the two utilities.

**Outcome Held (4/27/06.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**113**

[5525]

**A06-03-022/FERC NOPR Docket No. RM106-10-000 - Conference with Legal Counsel - Application for Rehearing.**

Disposition of Application for Rehearing and Request for an Emergency Rule 86 Commission Meeting Regarding March 15, 2006 Commission Decision Approving the Filing of Reply Comments in FERC Docket RM06-10 by March 29, 2006, filed by the Cogeneration Association of California, the Energy Producers and Users Coalition and the Independent Energy Producers Association.

**Outcome Signed**

D06-04-042

Yes: (Bohn, Brown, Chong, Grueneich, Peevey)

No: (none)

Abstain: (none)

Absent: (none)